

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 27<sup>th</sup>, 2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on July 27<sup>th</sup>, 2009, with respect to claims 1, 2, 4-7, 16, 17, 19-23 and 25-27 have been fully considered and are persuasive. The previous rejection(s) of the office action dated January 23<sup>rd</sup>, 2009 has been withdrawn.

### ***Response to Amendment***

3. The examiner acknowledges the amendment filed on July 27<sup>th</sup>, 2009. The amendment comprises amending claims 1, 16, 23 and 27; and cancelling claims 3, 18, 24 and 28.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims **1, 2, 4, 5, 7, 16, 17, 19, 20, 22, 23 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) and further in view of Lescaut (US 4,753,368).

7. **As to claims 1, 23, 26 and 27**, Field substantially discloses a bladder configured to hold a fluid (**see figure 1; col. 3 lines 10-15**), wherein the bladder comprises an outer layer **12** (**see figure 1; col. 3 lines 50-55**) and an inner layer **11** (**see figure 1; col. 3 lines 50-55**); a spout **10** connected to the bladder and in communication with the inside of the bladder (**see figure 1 col. 3 lines 60-65**), wherein the spout comprises an output port and a fill for filling the bladder with fluid (**see figure 1; col. 3 lines 10-15**); a cap adapted to engage and close the fill port (**see col. 3 lines 65-67**); a tube having a first end connected to the output port of the spout and having a second end connected top a fluid delivery fitting (**see col. 3 lines 65-67**) but does not disclose an outer layer made of fluorinated rubber composite and an inner layer made of thermoplastic polyurethane, and wherein the fluorinated rubber composite includes at least one reinforcement layer for the fluorinated rubber. Ohodaira teaches an apparatus that does provide an outer layer **3** made of fluorinated rubber (**see col. 4 lines 15-25**) but does not disclose an inner layer made of thermoplastic polyurethane. Lescaut discloses an apparatus that does disclose an inner layer **15** made of thermoplastic polyurethane (**see fig. 1; col. 2 lines 67-68 and col. 3 lines 1-3**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field's invention by providing an outer layer made of fluorinated

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rubber composite as taught by Ohodaira to insure that there are no leaks formed when used in rough environment and an inner layer made of thermoplastic polyurethane as taught by Lescaut so that the fluid contained in the bladder is not contaminated.

8. **As to claim 2**, Field substantially discloses an apparatus wherein the bladder is flexible **(see col. 3 lines 40-45)**.

9. **As to claim 4**, Field substantially discloses an apparatus wherein the cap is adapted to screw into the fill port **(see col. 3 lines 65-67)**.

10. **As to claim 5**, Field substantially discloses an apparatus wherein the spout has a width and a height, wherein the width is greater than the height **(see figure 2)**.

11. **As to claims 7 and 25**, Field substantially discloses an apparatus wherein the fluorinated rubber composite comprises a polyamide reinforcing layer and a thermoplastic polymer layer **(see col. 3 lines 50-60)**.

12. **As to claims 16, 17, 19, 20 and 22**, Field substantially discloses a method steps of at least partially filling the hydration system a fill port with a fluid and closing the system by engaging the cap to the fill port **(see col. 3 lines 10-20)**, wherein the hydration system comprises a bladder configured to hold a fluid **(see col. 3 lines 10-15)**, wherein the bladder comprises an outer layer **12 (see col. 3 lines 50-55)** and an inner layer **11 (see col. 3 lines 49-55)**; a spout **10** connected to the bladder and in communication with the insider of the bladder **(see col. 3 lines 60-65)**, wherein the spout comprises an output port and an fill port for filling the bladder with fluid **(see col. 3 lines 10-25)**; a cap adapted to engage and close the fill port **(see col. 3 lines 65-67)**; a tube having a first end connected to the output port of the spout and having a second end connected to a fluid delivery fitting **(see col. 3 lines 65-67)** but does not disclose an outer layer

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made of fluorinated rubber composite and an inner layer made of thermoplastic polyurethane, and wherein the fluorinated rubber composite includes at least one reinforcement layer for the fluorinated rubber. Ohodaira teaches an apparatus that does provide an outer layer **3** made of fluorinated rubber composite (**see col. 4 lines 15-25**) and Lescaut teaches an apparatus that does provide an inner layer made of thermoplastic polyurethane. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field's invention by providing an outer layer made of fluorinated rubber composite as taught by Ohodaira to insure that there are no leaks formed when used in rough environment and an inner layer made of thermoplastic polyurethane as taught by Lescaut so that the fluid contained in the bladder is not contaminated.

The method steps would have been obvious because they would have resulted from the use of the device of Field/Ohodaira/Lescaut.

13. Claim **6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) further in view of Lescaut (US 4,753,368) as applied to claim **1** above, and further in view of Kong (US 6,253,936).

14. **As to claim 6**, Field/Ohodaira/Lescaut substantially discloses the claimed invention; see rejection of claim 1 above, but does not disclose a tube that is made of flexible plastic. Kong discloses an apparatus that does provide a tube **96** that is made of flexible plastic (**see col. 8 lines 30-35**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field/Ohodaira/Lescaut's inventions by providing a tube that is made of flexible plastic as taught by Kong so that the user has more mobility while drinking the fluid.

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15. Claim **21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Field (US 4,636,412) in view of Ohodaira et al. (US 4,482,585) further in view of Lescaut (US 4,753,368) as applied to claim **16** above, and further in view of Kong (US 6,253,936).

16. **As to claim 21**, Field/Ohodaira/Lescaut substantially discloses the claimed invention; see rejection of claim 1 above, but does not disclose a tube that is made of flexible plastic. Kong discloses an apparatus that does provide a tube **96** that is made of flexible plastic (**see col. 8 lines 30-35**). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Field/Ohodaira/Lescaut's inventions by providing a tube that is made of flexible plastic as taught by Kong so that the user has more mobility while drinking the fluid.

The method steps would have been obvious because they would have resulted from the use of the device of Field/Ohodaira/Lescaut.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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